

THE VICTIMS' VOICE

Fall 2017 Newsletter



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Victims' Rights Enforcement: Why is it important?

On August 11, 2017, the Connecticut Supreme Court issued an opinion in *State v. Skipwith*, 165 A.3d 1211 (Conn. 2017), concerning the violation of a crime victim's Constitutional rights.

In 2013, the mother of Tabatha Cornell, a 17-year-old who was struck and killed by a motorist, told prosecutors she wanted to exercise her constitutional right to object to any plea agreement and speak to the judge at sentencing. Cornell was entitled to these rights under Connecticut's Constitution as a crime victim in the criminal court matter resulting from her daughter's death.

Unfortunately, the mother's request went unheard. In April 2013, prosecutors agreed to a plea agreement, without notifying Cornell. The defendant, plead no contest to manslaughter and drunk driving charges and received a two-year prison sentence. Cornell filed a motion to vacate the conviction and the sentence. On August 11th, 2017, the Connecticut Supreme Court acknowledged her rights as a crime victim were indeed violated, however, under current Connecticut law, there is nothing that can be done about said violation.

In the case decision, Supreme Court Justice Andrew J. McDonald wrote separately that the Legislature and the Rules Committee of the Superior Court should address the issue. Justice McDonald also outlined some measures that trial courts should undertake during plea agreements and sentencing hearings to minimize the likelihood of violations.



CT Supreme Court (Megan Merrigan, Hartford Courant)

McDonald concluded: "This case provides a stark reminder that a constitutional right, unadorned by a remedy to enforce or vindicate that right, is a hollow one. Indeed, a victim of crime who is denied her constitutional rights by a prosecutor or the court is, in a very real sense, victimized all over again. Without understating the significance of the primary victimization, this second victimization may be in some ways more odious because it is inflicted upon her by the levers and gears of the judicial system itself, the very institutional mechanism she—and all people in civilized society—relies on to have her offender held to account. We as a state must do better than this."

"The lack of enforcement for the violation of a crime victim's constitutional rights, is a fundamental flaw in the law" said State Victim Advocate, Natasha M. Pierre. The Office of The Victim Advocate has identified enforcement of victims' rights as the primary issue facing crime victims today, and will continue to advocate for legislation that creates a remedy when a violation has occurred.



The 2017 legislative session convened January 4th through June 7, 2017 at the State Capitol in Hartford, Connecticut. The Office of The Victim Advocate (OVA) is mandated by statute to monitor legislation that may affect the statutory and constitutional rights of crime victims in the state of Connecticut. The OVA submitted legislation, written testimony and gave oral presentations on several bills throughout the session. Below is a summary of bills passed that affect crime victims in the state of Connecticut. Should you have questions regarding any specific bill language please contact our office for assistance.

2017 LEGISLATIVE SESSION UPDATE

Senate Bill No. 930, An Act Concerning the Receipt of Annual Reports on Anti-Human Trafficking from Law Enforcement Agencies – [Public Act No. 17-129](#), effective 10/1/2017

- Requires the Chief State's Attorney and each municipal police chief to annually report on anti-human trafficking efforts to the Trafficking in Persons Council.

Senate Bill No. 1003, An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System – [Public Act No. 17-87](#), effective 10/1/2017

- Increases the civil judgment duration of an order of restitution from 10 years to 20 years, consistent with all other civil judgments.
- Adds spousal sexual assault to the confidentiality provisions regarding names and other identifying information.

House Bill No. 6999, An Act Concerning the Provision of Information about the Use of Therapy Dogs to Comfort and Support Testifying Witnesses in Certain Criminal Prosecutions – [Public Act No. 17-185](#), effective 10/1/2017

- Requires the Judicial Branch to maintain information on its website regarding the use of a dog to provide comfort and support to a testifying witness in certain criminal prosecutions.

Senate Bill No. 980, An Act Concerning Intimidating a Witness – [Public Act No. 17-24](#), effective 10/1/2017

- Increases the penalty for intimidating a witness from a class C felony to a class B felony.

Senate Bill No. 1022, An Act Establishing a Pilot Program to Provide Enhanced Community Services to Those in the Criminal Justice System – [Public Act No. 17-205](#), effective 10/1/2017

- Requires the Chief State's Attorney to establish a pilot program to serve Hartford, New Haven, New London and Norwich in identifying and tracking the homeless, addicted or mentally ill persons entering the criminal justice system.

House Bill No. 5743, An Act Concerning Hate Crimes – [Public Act No. 17-111](#), effective 10/1/2017

- Imposes minimum fines for certain hate crimes.
- Increases the penalty for 1st and 2nd degree threatening when the threat affects a house of worship, religiously-affiliated community center or day care center.
- Enhances the penalty for desecration of a house of religious worship.
- Increases the penalty for 3rd degree intimidation based on bigotry or bias from a class A misdemeanor to a class E felony.
- Replaces the Hate Crimes Advisory Committee with a new State-Wide Hate Crimes Advisory Council within the Office of the Chief State's Attorney.

House Bill No. 7044, An Act Concerning Pretrial Justice Reform – [Public Act No. 17-145](#), effective 7/1/2017

- Limits the circumstances in which a court can impose financial conditions of release for someone charged only with a misdemeanor that is not a family violence crime.
- Prohibits courts from requiring cash-only bail for certain offenses.
- Requires a bail review hearing, within 14 days of arraignment rather than 30 days, for defendants who cannot make bail and are only charged with a misdemeanor.
- Requires the court to remove financial bail conditions unless the court makes certain findings.

House Bill No. 7090, An Act Concerning the Department of Mental Health and Addiction Services' Recommendations Regarding Transfer of a Patient under the Jurisdiction of the Psychiatric Security Review Board for Treatment or Recovery – [Public Act No. 17-179](#), effective 10/1/2017

- Ensures that an acquittee's custody conditions at a hospital or emergency room are equivalent to those of maximum security confinement.
- Provides immediate written justification to the Psychiatric Security Review Board upon the transfer of an acquittee.
- Transfers the acquittee back to the maximum security setting after the medical treatment is completed.

House Bill No. 7262, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Victim Notification – [Public Act No. 17-217](#), effective 10/1/2017

- Requires the court to make more information available to crime victims about sentencing and plea agreements.
- Requires the Department of Correction to make general offender sentencing information available to the public.

House Bill No. 7198, An Act Concerning Court Operations, Victim Services, Fraudulent Filings and Transfers of an Interest in Real Property to a Trust – [Public Act No. 17-99](#), effective 10/1/2017

- Expands the powers and duties of the Office of Victim Services (OVS).
- Creates a new process for victims seeking enforcement of financial restitution orders.
- Makes more victims eligible for victim compensation from OVS by expanding injuries, crimes and situations under which a victim may qualify for compensation.
- Allows OVS to waive consideration of available health insurance when determining victim compensation and requires health care providers to suspend debt collection from victims in certain circumstances.
- Expands the availability of civil protection orders to certain stalking victims.
- Expands victims' access to juvenile records.

House Bill N. 7299, An Act Concerning Strengthening Laws Concerning Domestic Violence – [Public Act No. 17-31](#), effective 10/1/2017

- Expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer "emotional distress."
- Specifies that 1st or 2nd degree stalking may occur through the use of electronic or social media.
- Broadens the strangulation statutes to include suffocation that occurs when a person obstructs another person's nose or mouth.
- Increases the penalty for violating the conditions of release when the violation involves certain conduct.
- Requires a presentence investigation for anyone convicted of a family violence felony for which a prison sentence may be imposed and prohibits a defendant from waiving the investigation.

House Bill No. 7309, An Act Concerning Human Trafficking – [Public Act No. 17-32](#), effective 10/1/2017

- Adds to the membership of the Trafficking in Persons Council and expands the council's charge.
- Expands the type of conduct punishable as a trafficking in person's crime and increases the penalty.
- Reduces the penalty for patronizing a prostitute when the person is a trafficking victim.
- Creates a new crime of commercial sexual abuse of a minor.
- Requires the Department of Children and Families to consult with the Department of Emergency Services and Public Protection in developing an educational and refresher training program related to human trafficking.



The Eighth Annual Tee Off With Women Golf Tournament was held July 18, 2017. This annual event aims to build awareness and raise funds to end violence against women.

Community Renewal Team (CRT) and Interval House continue the support of advocacy and services in the Great Hartford region. Funds raised through this event continue to create a safe haven and supportive environment for women and their children who are escaping violence.

CRT offers supportive housing services to families who are survivors of domestic violence in Greater Hartford communities.

Interval House is the Greater Hartford region's primary provider of emergency shelter, counseling and prevention services for survivors of domestic violence.

For more information about this tournament and future CRT events, please contact the Development Office at (860) 560-5471 or email development@crtct.org.



State Victim Advocate Natasha Pierre - Honorary Speaker



Office staff: Merit Lajoie, Vanessa Torres, Natasha Pierre



CYBER SECURITY



The 2017 Equifax data breach exposed sensitive personal information of 143 million Americans.

How can we protect ourselves from the continued security and data breaches of our personal information?

All consumers both individual and business should be concerned and take steps to protect your information in the future. Consider these steps to secure your identity and personal information:

- Monitor your credit regularly
- Place a credit freeze or fraud alert if your information has been compromised.
- Take advantage of any notifications your credit card company offers to be sure you are aware of all activity.
- If your identity has been compromised in a data breach visit [IdentityTheft.gov/databreach](https://www.identitytheft.gov/databreach) for information about how to protect yourself.
- Visit [identitytheft.gov](https://www.identitytheft.gov) to report a case of identity theft, get a personal recovery plan, identity theft report, and customized letter and forms.
- Visit [ftc.gov/idtheft](https://www.ftc.gov/idtheft) to learn more about identity theft and find free resources to share with your friends and family.
- The Federal Trade Commission (FTC) offers free publications on topics such as avoiding scams, making sound financial decisions, recovering from identity theft, dealing with debt collectors, and more! Publications and shipping are free.
- Visit [annualcreditreport.com](https://www.annualcreditreport.com) to order a free copy of your credit report from each of the three major credit reporting agencies — Experian, TransUnion, and Equifax — every year. Check the reports for unexpected charges or accounts.

Save the date!



National Crime Victims' Rights Week | April 8-14 2018

Victims' Rights Symposium - Friday, April 13, 2018
Training for Attorneys, Law Enforcement & Judicial Employees
CLE & POST Credits Available



Connecticut Tenant's Right to Terminate a Lease Agreement Due to Family Violence or Sexual Assault

In Connecticut, a tenant has a right to terminate a lease agreement with his or her landlord if: 1) the tenant or the tenant's dependent are a victim of family violence or sexual assault, and 2) the tenant reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm of family violence or sexual assault. The tenant may exercise this right without penalty or liability for the **remaining term of the lease agreement**.

Question: What must a tenant do to exercise his or her right to terminate a lease agreement under these circumstances?

Answer: The Tenant must give a written notice to the landlord at least 30 days before the tenant intends to terminate the lease agreement.

Question: What information must be included in the written notice?

Answer: The written notice must include a statement made under oath that contains the following:

- The tenant or a dependent of the tenant is a victim of family violence or sexual assault,
- The tenant intends to terminate the lease agreement due to family violence or sexual assault,
- The date the tenant intends to terminate the lease agreement, and
- The tenant agrees to remove all of his or her personal possessions from the rental unit and will vacate the premises by the date of the termination. (If the tenant has not removed all of their personal possessions, the possessions will be considered abandoned).

Note: Signing under oath could be accomplished by having a Notary Public or Attorney sign the written notice.

Question: What Documentation Must The Tenant Provide with the Written Notice?

Answer: The Tenant must provide one of the following:

- A copy of a police or court record detailing an act of family violence or sexual assault against the tenant or the tenant's dependent that is dated not more than ninety days prior to the date of the tenant's notice, or
- A signed written statement from an employee of the Office of the Victim Advocate or the Office of Victim Services detailing an act of family violence or sexual assault against the tenant or the tenant's dependent that is dated not more than thirty days before the date of the tenant's notice.

Question: Will the tenant be responsible for any rent the tenant owes the landlord before the date of the lease termination, or liable for any property damage that may have occurred?

Answer: Yes. The tenant will still owe the landlord any rent owed prior to the termination date, and be liable for any property damage caused by the tenant.

Question: Will the tenant get his or her security deposit back?

Answer: No. This provision is silent on the issue of security deposits. Therefore, existing security deposit law would be applicable. The tenant should review the lease agreement on this issue.

Question: Will any other tenant under the lease agreement be relieved from liability to the landlord under the lease agreement?

Answer: No. Each adult tenant must provide a written notice as outlined above. If the tenant does not provide a written notice, he or she must comply with the lease agreement.

Question: Will any other occupant be able to continue residing in the rental unit if the tenant terminates the lease agreement?

Answer: No. Occupants that are not listed on the lease do not have the right or privilege to occupy the rental unit, and must vacate the premises before the termination date.

Question: What happens if the tenant or any other occupant does not vacate the rental unit by the lease termination date?

Answer: The landlord may bring an action for eviction.

Question: What happens if the requirements of the statute for lease termination are not met?

Answer: The landlord may bring an action in the housing session of the Superior Court for injunctive relief to prevent the termination of the lease agreement.

See Connecticut General Statutes §47a-11e, for specific statutory language.

Newly Released OVA Brochures on individual Victims' Rights



Contact the OVA today to request any
of the publications above or those on
our website at www.ct.gov/ova